

MINUTES

**CITY OF WARR ACRES
SPECIAL CITY COUNCIL MEETING
WARR ACRES COUNCIL CHAMBER
MONDAY
MARCH 30, 2009
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Phil Owens
Councilman Dean Johnson
Councilman Mike Gossman
Councilman Doug Davis
Councilwoman Cathy Maxey
Councilwoman Nancy Olson
Councilman Christian Portwood

ABSENT

Councilman David Dirkschneider

STAFF PRESENT

Robert Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Pamela McDowell-Ramirez, City Clerk

2. Discussion and possible action on the revised agreement with Oklahoma City for the Signal light at 63rd and Grove. *Jernigan*

Attorney Jernigan stated that this was a revised agreement and he recommended approval.

Motion by Gossman, second by Owens to approve the agreement. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. A. Discussion and possible action to rescind the award of the 63rd & Grove Signalization Project to Traffic Signals Inc. who were incorrectly included in the agenda item on March 17, 2009. They were not the low bidder but the second low bidder at \$86,715.35.

Engineer Barrett stated that he had mistakenly asked the council to award the bid to the wrong contractor and he would like for the council to rescind the approval for Traffic Signals Inc.

Motion by Owens, second by Davis to rescind the award to Traffic Signals Inc.

Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

- B. Discussion and possible action to award the 63rd & Grove Signalization Project to the low bidder, Traffic & Lighting Systems, LLC in the amount of \$78,723.96. Appropriation of funds from the CIP Fund.

Motion by award the bid to Traffic & Lighting Systems, LLC. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Discussion and possible action on a revised agreement with the Pines Homeowners Association. *Jernigan*

Attorney Jernigan stated that the council has approved a tentative agreement and the Homeowners made a few changes and approved the agreement. He stated that he and the Engineer had reviewed it and it is ready for the council's approval. The money will be placed in escrow after the council approves the agreement.

Motion by Owens, second by Portwood to approve the revised agreement. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

5. Discussion and possible action on concerning litigation Crowe Investment Company vs. Warr Acres, (Railroad property) CJ-2009-2620, Oklahoma County and; litigation Union Pacific Railroad vs. Warr Acres (Double Eagle Refinery Superfund site), EPA vs. Warr Acres, and ODEQ vs. Warr Acres, including discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public

body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Jernigan*

Attorney Jernigan recommended that the council enter into executive session.

Motion by Owens, second by Olson to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The council entered into executive session at 6:11 p.m.

The council returned to open session at 6:43 p.m.

Motion by Owens, second by Gossman to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

6. Adjournment.

Motion by Gossman, second by Johnson to adjourn the meeting. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 6:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk